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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,636	10/07/2005	Goran Sundholm	U 015966-3	8990
140	7590	05/30/2007		
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			EXAMINER GORMAN, DARREN W	
			ART UNIT	PAPER NUMBER
			3752	
			MAIL DATE	DELIVERY MODE
			05/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ED

Office Action Summary	Application No.		Applicant(s)	
	10/552,636		SUNDHOLM ET AL.	
	Examiner		Art Unit	
	Darren W. Gorman		3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005 (w/ prelim. amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/14/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed on September 14, 2006 is hereby acknowledged and has been placed of record. Please find attached a signed and initialed copy of the PTO 1449.

Drawings

2. The drawing is objected to as failing to comply with 37 CFR 1.84(p)(5) because it includes the following reference characters not mentioned in the description: Reference numbers "10" and "11" are not found in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Abstract

3. The abstract of the disclosure is objected to because of the use of legal phraseology, particularly the use of the term "said".

The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided in the abstract. See MPEP § 608.01(b).

Correction is required.

Specification

4. The disclosure is objected to because of the following informalities: Claim numbers are specifically referenced throughout the specification as filed. Specific reference to claim numbers in the specification should be avoided since the actual scope of the individual claims may change during prosecution of the application prior to issue and publication of a patent granted from the application.

Appropriate correction is required.

Claim Objections

5. Claims 1-8 are objected to because of the following informalities:

Regarding claim 1, on lines 4-5, the parenthetical reference character (pi) for the "first pressure" is not consistent with the disclosure. The disclosure (specification and drawing) uses reference character "p1". It should be noted that while reference characters, within parentheses, are permissible in the claims, they cannot be used to further limit recitations in the claims.

Further regarding claim 1, on line 9, the recitation, "in that it comprises" is vague, since it is not exactly clear what "it" is referring to.

Further regarding claim 1, on lines 9-10, the recitation, "that side of the blocking element where the pressure of the medium is lower" is unclear. The claim recites a first and second side of the blocking element, but does not distinctly recite which side is "where the pressure of the medium is lower".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, on line 2, the recitation, "a blocking element, such as a burst disk" is unclear. The phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 4, on line 2, the recitation, "the means for locking and/or releasing" lacks antecedent basis. Claim 1 recites neither a means for locking the supporting element nor a means for releasing the supporting element.

Regarding claim 6, on line 2, the recitation, "a spray head, especially a sprinkler head" is unclear. The phrase "especially" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sprakel et al., USPN 5,967,239.

Sprakel shows fire sprinkler head (see Figure 1) comprising: a fire extinguishing medium flow passage (24, 19); a burst disk (23) arranged in the passage, which, when unbroken, blocks the passage of the medium flow from a first upstream side (24) of the burst disk to a second downstream side (19) of the burst disk, wherein on the first upstream side of the burst disk a first pressure prevails, and on the second downstream side a second pressure prevails, the burst disk arranged to be ruptured so that a medium flow passage is formed through the burst disk when a pressure difference between the first and the second sides of the burst disk reaches a preset value (see column 3, lines 41-45). Sprakel further shows the fire sprinkler head comprising a supporting element (piston 6) provided on the second downstream side of the burst disk where the pressure of the medium is lower at least just before the instant of rupture of the burst disk, wherein the supporting element can be moved between at least two positions, a first position where the supporting element supports the burst disk so that the burst disk cannot be ruptured, and a second position where the supporting element does not support the burst disk. Still further, Sprakel shows the fire sprinkler head comprising a means for locking (10, 13) the supporting

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element in the first position, and a means for releasing (13) the supporting element from the first position, the means for locking and releasing the supporting element comprising a heat sensitive element (13) (see column 5, lines 58-61).

Conclusion

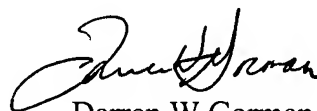
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents to Dyson, Allard et al., Wolff et al., Sprakel, and Sundholm, are cited as of interest.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.

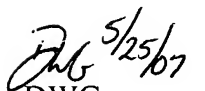
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Darren W Gorman
Examiner
Art Unit 3752

 5/25/07
DWG
May 25, 2007